

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SAMUEL E. WYLY and DONALD R. MILLER,
JR., in his capacity as the Independent Executor of
the Will and Estate of Charles J. Wyly, Jr.,

Defendants,

No. 1:10-cv-05760-SAS

**(PROPOSED) ORDER FREEZING ASSETS AND
GRANTING OTHER RELIEF**

This matter is before the Court on the Motion of the Plaintiff Securities and Exchange Commission (“Commission” or “SEC”) for an Order: (1) freezing the assets of Defendant Samuel Wyly (“Samuel Wyly”) and Donald R. Miller, Jr. in his capacity as the Executor of the Will and Estate of Charles J. Wyly Jr. (“Charles Wyly” and, together, the “Wyllys”); (2) requiring an accounting of their assets; (3) preventing document alteration or destruction; and (4) expediting asset discovery in this action.

The Court, having considered the evidence and the argument of the parties finds that an injunction should, and hereby does, issue. Consequently, IT IS HEREBY ORDERED:

I.

The Wyllys and their agents, servants, employees, family members, heirs, assigns, attorneys, entities having possession or control of any of the Wyllys’ assets, alter-egos (including, but not limited to:

Tallulah International Trust, Bulldog Non-Grantor Trust, Lake Providence International Trust, Delhi International Trust, Bessie Trust, Plaquemines Trust, La Fourche Trust, Crazy Horse Trust, Arlington Trust, Sitting Bull Trust, Woody International Trust, Pitkin Non-Grantor Trust, Castle Creek International Trust, Tyler Trust, Red Mountain Trust, Maroon Creek Trust, Lincoln Creek Trust, East Baton Rouge Limited, East Carroll Limited, Locke Limited, Moberly Limited, Richland Limited, Tensas Limited, West Carroll Limited, Morehouse Limited, Sarnia Investments Limited, Greenbrier Limited, Audubon Assets Limited f/k/a Fugue Limited, Yurta Faf Limited, Cottonwood I Limited, Cottonwood II Limited, Mi Casa Limited, Newgale Limited, Rosemary's Circle R Ranch Limited (f/k/a Two Mile Ranch Limited and Woody Creek Ranch Limited), Spitting Lion Limited, Balch LLC, Bubba LLC, Flo Flo LLC, Katy LLC, Orange LLC, Pops LLC, Devotion Limited, Relish Enterprises Limited, Little Woody Limited, Rugosa Limited, Roaring Creek Limited, Roaring Fork Limited, Woody International Trust, Elysium Limited, Gorsemoor Limited, Jordan Way Limited, Little Woody Creek Road Limited, Soulieana Limited, Stargate Farms Limited, and Elegance Limited (hereinafter, "IOM Trusts and Companies"))

and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including via facsimile or email, and each of them, shall hold and retain within their control, and otherwise prevent any disposition, transfer, pledge, encumbrance, assignment, dissipation, concealment, or other disposal whatsoever of any of their funds or other assets or things of value presently held by them, under their control, or over which they exercise actual or apparent investment or other authority, in whatever form such assets may presently exist and wherever located including, but not limited to, the assets listed on Attachment A hereto.

To the extent that an asset covered by this Court's Order is comprised of real property, the Court hereby finds that the SEC may file copies of this Stipulated Order Freezing Assets and Granting Other Relief with the county recorder, or wherever land records are maintained, for that property. To the extent that an asset covered by this Court's Order is comprised of personal property, the Court hereby finds that the SEC may file appropriate documents under the Uniform

Commercial Code with any Secretary of State or other authorized entity along with a copy of this Stipulated Order Freezing Assets and Granting Other Relief.

II.

Any financial or brokerage institution or other person or entity holding any funds or other assets in the name of, for the benefit of, or under the control of the Wyls, their agents, servants, employees, family members, heirs, assigns, attorneys, entities having possession or control of any of the Wyls' assets, alter-egos (including, but not limited to, all IOM Trusts and Companies), and those persons in active concert or participation with the Wyls, and each of them, shall hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of any such funds or other assets except as otherwise ordered by this Court. Necessary and reasonable living expenses will be granted to Samuel Wyl in the amount of \$10,000 per month. Sam Wyl may petition the Court for permission to make any expenditures that exceed the \$10,000 monthly allotment.

III.

The Wyls shall provide the SEC with access to all financial records wherever located concerning funds or other assets or things of value presently held by them, under their control, or over which they exercise actual or apparent investment or other authority, in whatever form such assets may presently exist and wherever located including, but not limited to, the assets listed on Attachment A hereto.

IV.

The Wyls and their agents, servants, employees, family members, heirs, assigns, attorneys, entities having possession or control of any of the Wyls' assets, alter-egos (including,

but not limited to, all IOM Trusts and Companies), and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including via facsimile or email, are hereby restrained from destroying, mutilating, concealing, altering, or disposing of any document referring or relating in any manner to any financial transactions of the Wyllys or their agents, servants, employees, family members, heirs, assigns, attorneys, entities having possession or control of any of the Wyllys' assets, alter-egos (including, but not limited to, all IOM Trusts and Companies). As used in this Order, "document" means the original and all non-identical copies (whether non-identical because of handwritten notation or otherwise) of all written or graphic matter, however produced, and any other tangible record, or electronic data compilation capable of reproduction in tangible form, including, without limitation, correspondence, memoranda, minutes, notes, telephone records, e-mails, instant messages, faxes, reports, studies, telexes, diaries, calendar entries, contracts, accountings, statements, letters of agreement, and including any and all existing drafts of all documents.

V.

Expedited financial discovery concerning the Wyllys, their assets, and the disposition of their assets since 2006, held directly by them or indirectly by trust, subsidiary, or otherwise, is hereby granted and that, commencing with the time and date of this Order, in lieu of the time periods, notice provisions, and other requirements of Rules 26, 30, 33, 34, 36 and 45 of the Federal Rules of Civil Procedure, discovery shall proceed as follows:

- (A) Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, the Commission may take depositions upon oral examination on 10 calendar days' notice of any such deposition. Depositions may be taken Monday through Saturday. As to the Wyllys and their agents, servants, employees, family members, heirs, assigns,

attorneys, entities having possession or control of any of the Wylys' assets, brokers and associates, the Commission may depose such witnesses after serving a deposition notice by facsimile, hand or overnight courier upon such individuals, and without serving a subpoena on such witness.

- (B) Pursuant to Rule 33(a) of the Federal Rules of Civil Procedure, the Wylys shall answer the Commission's interrogatories within 10 calendar days of service of such interrogatories.
- (C) Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, the Wylys shall produce all documents requested by the Commission within 10 calendar days of service of such request, with production of the documents made to Bridget Fitzpatrick, U.S. Securities & Exchange Commission, or such other person or place as counsel for the Commission may direct in writing.
- (D) Pursuant to Rule 36(a) of the Federal Rules of Civil Procedure, Wylys shall respond to the Commission's requests for admissions within 10 calendar days of such requests.
- (E) All written responses to the Commission's requests for discovery under the Federal Rules of Civil Procedure shall be delivered by hand or overnight courier to the Commission to the attention of Bridget Fitzpatrick, U.S. Securities and Exchange Commission, 100 F Street N.E., Washington, DC 20549, or such other place and person as counsel for the Commission may direct in writing.

VI.

IT IS HEREBY FURTHER ORDERED, that this Order shall be, and is, binding upon the Wylys, and each of their agents, servants, employees, family members, heirs, assigns, attorneys,

entities having possession or control of any of the Wyllys' assets, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile service, or email service.

SO ORDERED.

SHIRA A. SCHEINDLIN,
UNITED STATES DISTRICT JUDGE

Dated: October __, 2014, ____ a.m./p.m.

ATTACHMENT A

Cash
U.S. Government Securities
Life Insurance Policies
Loans Payable
Loans Receivable
IRA Retirement Accounts
Investments in real estate or real property (either owned directly or indirectly)
Investments in art, jewelry, or other chattel
Investments in any Mutual Funds
Investments in any Real Estate Investment Trust EITs,
Investments in Hedge Funds (both U.S. and Domestic), including but not limited to investments
in any Maverick Fund or any Ranger Fund
Investments in securities in public companies (either owned directly or indirectly)
Investments in private companies (either owned directly or indirectly)